

Excerpts  
Planning Commission Minutes  
March 8, 2006

**Application No. UP-696-065, Kahn Properties East, LLC:** Request for a Special Use Permit, pursuant to Section 24.1-306 (Category 11, No. 14) of the York County Zoning Ordinance, to authorize a 1,659-square foot fast-food restaurant (Starbucks) with drive-through service within a permitted shopping center to be constructed at 800 East Rochambeau Drive (Route 137) in the southeast quadrant of the Route 199/Mooretown Road interchange. The property, identified as Assessor's Parcel No. 2-17-1, is zoned EO (Economic Opportunity) and is designated Economic Opportunity in the Comprehensive Plan.

**Earl W. Anderson, AICP**, Planner, summarized the report to the Commission in which the staff recommended approval.

**Mr. Ptasznik** inquired about the circular driveway and asked if patrons would have to circumvent the entire shopping center to get to the proposed Starbucks. Mr. Anderson explained that the driveway would also be accessible from the proposed Wachovia entrance.

**Chair Ptasznik** opened the public hearing.

**Mr. Howard Jenkins III**, Kahn Properties East, LLC, 226 Randolph Square Lane Richmond, spoke in behalf of the applicant. He recommended approval because Starbucks enjoys a good reputation, is a good fit for the project, and would be a valuable asset to the area.

**Chair Ptasznik** closed the public hearing.

**Mr. Hamilton** made a motion to adopt proposed Resolution PC06-4.

On motion of Mr. Hamilton, which carried 6:0 (Mr. Abel arrived later), the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT TO  
AUTHORIZE A FAST FOOD RESTAURANT WITH DRIVE-THROUGH SERVICE  
AT 800 EAST ROCHAMBEAU DRIVE

WHEREAS, Kahn Properties East, LLC has submitted Application No. UP-696-06, which requests a Special Use Permit, pursuant to Section 24.1-306 (Category 11, No. 14) of the York County Zoning Ordinance to authorize a 1,659-square foot fast food restaurant with drive-through service within a retail center to be constructed on a 3.06-acre parcel located at 800 East Rochambeau Drive (Route 137) in the southeast quadrant of the Route 199/Mooretown Road interchange and further identified as Assessor's Parcel No. 2-17-1 (GPIN B19b-4378-3286); and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has carefully considered the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 8th day of March, 2006 that Application No. UP-696-06 be, and it is hereby, transmitted to the York County Board of Supervisors with a recommendation of approval to authorize a 1,659-square foot fast food restaurant with drive-through service within a retail center to be constructed on a 3.06-acre parcel located at 800 East Rochambeau Drive (Route 137) in the southeast quadrant of the Rote 199/Mooretown Road interchange and further identified as Assessor's Parcel No. 2-17-1 (GPIN B19b-4378-3286); subject to the following conditions:

1. This use permit shall authorize an approximately 1,659-square foot fast food restaurant with drive-through service located at 800 East Rochambeau Drive (Route 137) and further identified as a portion of Assessor's Parcel No. 2-17-1.
2. The proposed fast food restaurant shall be permitted in the end unit of the proposed retail center and, except as modified herein, said site layout for the fast food restaurant shall be in substantial conformance with the plan titled "The Shops At Cedar Valley, Bruton District, York County, Virginia," prepared by Hankins and Anderson, Consulting Engineers, dated 5/18/05 and revised 8/31/05 and 11/21/05.
3. Construction and operation of the restaurant shall be in conformance with the performance standards set forth in Section 24.1-473, *Standards for drive-in, fast food and carry-out delivery restaurants*, of the Zoning Ordinance.
4. Rooftop HVAC, electrical and similar utilities shall be screened from view of Mooretown Road, Rochambeau Drive, and Humelsine Parkway.
5. In order to ensure the proper functioning of the circulation system, particularly the drive-thru aisle, the restaurant owner/management shall be responsible for making arrangements so that trash removal service does not occur during restaurant operating hours.
6. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, prior to application for site plan approval, a certified copy of the resolution authorizing this special use permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

BE IT FURTHER RESOLVED that this Special Use Permit is not severable and invalidation of any word, phrase, clause, sentence, or paragraph shall invalidate the remainder.